



## MEMORANDUM

Agenda Item No. 4(Q)

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed. D. **DATE:** March 16, 2004  
and Members, Board of County Commissioners

**FROM:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", is positioned below the printed name of George M. Burgess.

**SUBJECT:** Resolution Authorizing the Execution of a County Disclaimer of a portion of NW 12 Terrace, NW 128 Avenue, NW 129 Avenue, NW 130 Avenue and NW 132 Avenue lying within the Limited Access Right-of-Way of State Road 836 Extension in Section 35-53-39

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### RECOMMENDATION

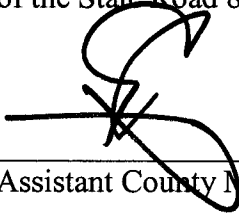
It is recommended that the Board of County Commissioners grant the attached County Disclaimer following a public hearing of a portion of NW 12 Terrace, NW 128 Avenue, NW 129 Avenue, NW 130 Avenue and NW 132 Avenue lying within the Limited Access Right-of-Way of State Road 836 Extension in Section 35-53-39. The Public Works Director recommends the execution of this Disclaimer.

### BACKGROUND

The Miami-Dade Expressway Authority and the Florida State Road Department of Transportation acquired in fee simple the adjacent properties to provide the land needed for the construction of the State Road 836 Extension. The Miami-Dade Expressway Authority has requested that the County disclaim the abutting right-of-ways also needed for the project under Florida Statute 336-09. These right-of-ways were dedicated at no cost to the public.

The portion of County right-of-way to be disclaimed was dedicated by plats of Western Miami Section D, recorded in Plat Book 27, Page 54 and Western Miami Section C, recorded in Plat Book 30, Page 1 of the Public Records of Miami-Dade County, Florida. Both plats were executed on February 12, 1926, and accepted by Resolution R-4406-60 of the Board of County Commissioners recorded in Official Record Book 1884, Page 502. The streets platted were not fully improved. Between 1971 and 1974 several of the streets platted were laid-out and dirt roads were built within the dedicated right-of-ways.

The access to the properties lying North of the proposed expressway extension will be provided by the construction of a frontage road running along the platted right-of-way of NW 13 Street on the North side of the State Road 836 Extension connecting NW 132 Avenue on the West to NW 127 Avenue on the East, and an access road running along NW 127 Avenue between NW 13 Street and NW 12 Street. The access and frontage roads will be built as part of the construction of the State Road 836 Extension, Miami-Dade Expressway Authority Project Number 836005.



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Assistant County Manager




# MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 4(Q)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4 (Q)

3-16-04

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE EXECUTION OF  
A COUNTY DISCLAIMER OF A PORTION OF NW 12  
TERRACE, NW 128 AVENUE, NW 129 AVENUE, NW  
130 AVENUE AND NW 132 AVENUE LYING WITHIN  
THE LIMITED ACCESS RIGHT-OF-WAY OF STATE  
ROAD 836 EXTENSION IN SECTION 35-53-39

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves a County Disclaimer of the right-of-ways dedicated by plats for a portion of NW 128 Avenue, NW 129 Avenue, NW 130 Avenue, NW 132 Avenue, and NW 12 Terrace which lies within the Limited Access of the State Road 836 Extension as shown on the Florida Department of Transportation Right-of-Way Map, Section No. 87200-2574 dated March 3 , 1998 in Section 35, Township 53 South, Range 39 East, Miami-Dade County Florida, as it is more particularly described in Exhibit "A" and illustrated in Exhibit "B", both attached hereto and made a part hereof, and authorizes the Mayor to execute said County Disclaimer and related documents on behalf of the Miami-Dade County and authorizes the Director of Public Works to cause said instrument to be recorded in the Public records of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein

